

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:
Jim Butler et al.
Serial No.: 10/749,259

Confirmation No.: 8566

Filed: December 31, 2003

For: **USING EXCESS LEVELS OF METAL
SALTS TO IMPROVE PROPERTIES
WHEN INCORPORATING POLYMERS
IN ASPHALT**

§ Examiner: Peter Mulcahy

§

§

§

§

§ Group Art Unit: 1713

§

§

§

§ Attorney Docket No. COS-890

§

§

§

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Honorable Commissioner:

CERTIFICATE OF FACSIMILE 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office to the designated fax 571-273-0053, to the attention of the named Examiner, on the date below.

12/22/06
Date

Signature

**PETITION AND FEE FOR EXTENSION OF TIME
UNDER 37 U.S.C. §1.136(a)**

This is a Petition for an extension of time in which to file an Appeal Brief. A shortened statutory period for which to respond was set for (1) one month from the receipt of the Notice of Appeal and was due on October 28, 2006.

An extension of time of (2) two months for response is respectfully requested. The Commissioner is hereby authorized to charge the fee of \$450 for a two-month extension of time, along with any additional fees that may be related to the appeal or required for the time extensions until the filing of the Appeal Brief, or, to credit any overpayment to Account No. 03-3345.

Dated

December 22, 2006

Respectfully submitted,

Shirley A. Kopecky
Registration No. 48,460

FINA TECHNOLOGY, INC.

P.O. Box 674412

Houston, Texas, 77267-4412

Telephone: 713-483-5386

Facsimile: 713-483-5384

Attorney for Appellants